

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

LAURA MERROW )  
v. ) No. 3-10-0794  
CAPSTAR BANK )

O R D E R

By contemporaneously entered order, the Court has approved and entered the parties' initial case management order, as addressed at the initial case management conference held on October 4, 2010. Other matters addressed on October 4, 2010, are as follows:

1. Unless the parties otherwise agree to an alternative protocol, they shall be governed by Administrative Order No. 174, entitled "Default Standard for Discovery of Electronically Stored Information ('E-Discovery')," entered July 9, 2007. If any disagreements arise about an alternative protocol or the propriety of the applicability of Administrative Order No. 174 in this case, counsel shall schedule a telephone conference call with the Court to address any such disputes.

2. The parties shall have until July 5, 2011, to file any discovery motions or, alternatively, to schedule a telephone conference call with the Court to address any discovery disputes, as provided in ¶ 3(B) of the contemporaneously entered order.

3. The contemporaneously entered order provides that all written discovery shall be completed by May 31, 2011. That means that all written discovery shall be served in sufficient time so that responses are in hand by May 31, 2011.

4. Counsel for the parties shall convene a telephone conference call with the Court on **Thursday, November 11, 2010, at 2:00 p.m.**, to be initiated by plaintiff's counsel, to address the status of settlement discussions, potential for settlement, propriety of ADR, and any other appropriate matters.

As provided in the contemporaneously entered order, any dispositive motion shall be filed by July 29, 2011.<sup>1</sup> Any response shall be filed within 21 days of the filing of the motion or by August 19, 2011, if the motion is filed on July 29, 2011. Any reply, if necessary, shall be filed within 14 days of the filing of the response or by September 2, 2011, if the response is filed on August 19, 2011.

No other filings in support of or in opposition to any dispositive motion shall be made except with the express permission of the Honorable John T. Nixon.

There shall be no stay of discovery before the April 1, 2011, deadline for completion of expert discovery or the June 30, 2011, deadline for completion of fact discovery even if a dispositive motion is filed prior thereto.

In consultation with Judge Nixon's office, a bench trial is scheduled to begin on **Tuesday, February 21, 2012, at 9:00 a.m.**, in Courtroom 774, U.S. Courthouse, 801 Broadway, Nashville, TN. The parties estimate that the trial will last approximately 1-2 days.

The parties are directed to contact Ms. Mary Conner, courtroom deputy to Judge Nixon, by 12:00 noon on Friday, February 17, 2012, if this case has settled. Failure to provide such notification in the event the parties have settled the case may result in assessment of costs against the parties and/or their attorneys, including but not limited to the costs of summoning the jurors.

The pretrial conference is also scheduled before Judge Nixon, on **Friday, February 10, 2012, at 10:00 a.m.**, in Chambers, 770 U.S. Courthouse.

By January 13, 2012, counsel shall advise opposing counsel of those portions of any depositions to be read or those portions of video depositions to be viewed during the trial, in accord

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<sup>1</sup> Counsel for the parties represented that they might file cross motions for summary judgment. In the event that one party files a motion for summary judgment and the other party files a response and separate motion for summary judgment in response, counsel for the parties shall schedule a telephone conference call with the Court to address the need for any modified briefing deadlines. Plaintiff's counsel indicated that he might file a dispositive motion significantly earlier than the July 29, 2011, deadline. In that event, the 21 day time period to file a response and 14 day time period to file a reply shall apply.

with Rule 26(a)(3)(A)(ii) of the Federal Rules of Civil Procedure, and shall serve a list of the expected witnesses and exhibits in accord with Rule 26(a)(3)(A)(i) and (iii) of the Federal Rules of Civil Procedure.

By January 23, 2012, the parties shall file any motions in limine, any Daubert motions and/or motions relating to expert testimony, any evidentiary objections to deposition testimony, in accord with Rule 26(a)(3)(B), and any objections to proposed exhibits in accord with Rule 26(a)(3)(B).

Any responses to such motions in limine, any responses to any Daubert motions and/or motions relating to expert testimony, and any responses to objections to deposition testimony and proposed exhibits shall be filed by February 3, 2012.

By February 3, 2012, the parties shall also:

1. Submit a proposed joint pretrial order;<sup>2</sup>
2. Exchange their final lists of witnesses and exhibits;
3. File their respective final witness and exhibit lists; and
4. File a listing of all agreed stipulations.

A deadline for filing pretrial briefs will be established at the pretrial conference, if appropriate.

The parties shall premark all exhibits and comply with Local Rule 39.01(c)(4).

It is so ORDERED.



JULIET GRIFFIN  
United States Magistrate Judge

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<sup>2</sup> The pretrial order shall contain (1) a recitation that the pleadings are amended to conform to the pretrial order and that the pretrial order supplants the pleadings; (2) a short summary of the plaintiff's theory (no more than one page); (3) a short summary of the defendant's theory (no more than one page); (4) the issues to be submitted to the Court; (5) any anticipated evidentiary issues; and (6) a statement that the parties have complied with the provisions of this order.